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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,755	03/22/2000	Craig A. Finseth	PD-990193	8261

20991 7590 08/01/2003

HUGHES ELECTRONICS CORPORATION
PATENT DOCKET ADMINISTRATION
BLDG 001 M/S A109
P O BOX 956
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EXAMINER	
CHUNG, JASON J	
ART UNIT	PAPER NUMBER
2611	7

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/532,755	FINSETH ET AL.	
	Examiner	Art Unit	
	Jason J. Chung	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-5,7-14,16-19,26-43,45,46 and 49-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5,7-14,16-19,26-43,45,46 and 49-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. The examiner is withdrawing the allowability of the previously objected to claims and is taking the same reference and using a different read of the reference to meet the limitations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 4, 7-10, 13, 16, 53-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Knee (US 2002/0095676 A1).

Regarding claim 1, Knee discloses television distribution facility 38 distributes program guide and advertising information to user television equipment via communication paths. User television equipment may include a set top box or television receiver. The communication paths may be a satellite link, telephone link, cable link, microwave link, etc. (page 2, paragraph [0023]). Knee discloses each channel and program (each of the plurality of television programs) has a bearing on at least one demographic category has a preselected value for each demographic category associated with it (pages 3-4, paragraph [0036]). Knee discloses the weight value WV that includes tuning to a program and watching for at least 5 minutes (page 3, paragraph [0035]), the tuning to a program reads on first characterizing information. Knee discloses an interactive

program guide has a user input receiver that receives user input from the user interface to determine values (page 1, paragraph [0009]), which meets the limitation on receiving program guide data from the communication link that includes first characterizing information associated with television programs.

Knee discloses the advertisements have preselected values (second characterizing information) that indicate the advertiser desire to target advertisements to users that fit a certain profile; Knee discloses two advertisements (plurality of advertisements), each advertisement contains preselected values (second characterizing information) (page 3, paragraph [0031]-[0033]).

The program guide data and advertising data are inherently temporarily stored in memory at the users receiver prior to presenting the data to the user.

Knee discloses the weight value WV (selection history) that includes tuning to a program and watching for at least 5 minutes (page 3, paragraph [0035]), the tuning to a program reads on first characterizing information.

Knee discloses a demographic category (common attribute) indicates that a user fits a category (page 3, paragraph [0030]). Knee discloses each channel and program has a demographic category for each of the preselected value associated with it (pages 3-4, paragraph [0036]), which meets the limitation of comparison of a list of common attributes to the second characterizing information. Knee discloses a formula (arithmetic expression) that uses the preselected value (second characterizing information) and the demographic category Vd(i-1) (common attribute) and obtains a demographic category (similarity score) (page 4, paragraphs

[0040-0041]), the previous value for the demographic category reads on common attribute and the new calculated value for the demographic category reads on the similarity score.

Regarding claim 3, Knee discloses the value for the demographic category of an advertisement is met by the value of the demographic category of the user, then the advertisement is displayed (page 4, paragraph [0046]), which meets the limitation on selecting a set of ads based on the similarity scores having a score greater than a predetermined threshold score.

Regarding claim 4, Knee discloses after the demographic category (similarity score) is calculated, advertisements are targeted to users based on current user information (page 4, paragraph [0044]). Additionally, Knee discloses selecting from either a sport utility vehicle advertisement or a beer commercial (page 3, paragraphs [0032-0033]). Knee discloses the closest or best fit of the commercials demographic category to the demographic category of the user, and the best fit is selected (page 4, paragraph [0047]), which meets the limitation on selecting ads based on a comparison.

Regarding claim 7, Knee discloses a formula (arithmetic expression) that uses the preselected value (second characterizing information) and the demographic category Vd(i-1) (common attribute) and obtains a demographic category (page 4, paragraphs [0040-0041]), the additional valus of WV, WF, P, etc. meets the limitation on common information between the common attribute and second characterizing information and there are two weighted values summed as shown in the formula.

Regarding claim 8, Knee discloses the demographic category (selection history) may include the income of a user (page 4, paragraph [0048]), which meets the limitation on

identifying a user from a plurality of users and associating the portion of the first characterizing information with the user.

Regarding claim 9, Knee discloses demographic category (selection history) is entered by a user's remote control (pages 2-3, paragraph [0027]). The demographic values (selection history) are stored in memory 64 and are classified into different categories (page 3, paragraph [0029]). The user inputs have predetermined weighted values WV, one of which is tuning to a program and watching for at least 5 minutes (predetermined range of time), which reads on one of a plurality of television programs selected by a user; the weight values are indicative of the effect the corresponding user inputs have on the values of demographic categories (page 3, paragraph [0035]).

Regarding claim 10, the limitations in claim 10 have been met in claims 1 rejection. Claim 10 is directed towards broadcasting/transmitting whereas claim 1 is directed towards receiving; in order to receive the data must be broadcasted/transmitted. The attributes recited in claim 45 are synonymous with characterizing information in claim 1.

Regarding claim 13, the limitations in claim 13 have been met in claim 3 rejections.

Regarding claim 16, as disclosed in claim 4 rejections, the system chooses a best fit demographic category for the commercial to the demographic category of the user. Additionally, as disclosed in claim 4 rejection, Knee discloses the system choosing between a sport utility vehicle commercial and a beer commercial, which meets the limitation on determining the greatest similarity score.

Regarding claims 53-55, the limitations in claims 53-55 have been met in claims 1, 3, 7 rejections respectively.

Regarding claims 56-58, the limitations in claims 56-58 have been met in claims 1, 3, 7 rejections respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 19, 26-34, are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Ward (US 2002/0073424 A1).

Regarding claim 19, the limitations in claim 19 have been met in claim 39 rejection stated below.

Regarding claim 26, the limitations in claim 26 have been met in claim 1 rejection. The attributes recited in claim 26 are synonymous with characterizing information in claim 1.

Knee fails to disclose the additional limitation of a receiver separating the plurality of ads from the plurality of programs. Ward discloses the EPG data and advertising data us downloaded to the memory resident at the viewer's television system (page 9, paragraph [0110]). Ward discloses the EPG can select ads are that are stored in the viewer's terminal in RAM (page 19, paragraph [0331]), the EPG is separate from the advertising data and selects the advertising data that is separate from the EPG. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to have the receiver separate the incoming signal as taught by Ward so the EPG can select advertisements from the user's local RAM.

Knee fails to disclose the additional limitation of a statistical counter that counts the number of times an advertisement is displayed.

Ward discloses the ads being assigned a priority (similarity score) and rotated every time the user views a page; when the viewer views the page for a second time the second priority (second highest similarity score) ad is displayed (page 15, paragraph [0282]); the advertisements rotating every time a user views a page again has a counter counting (statistical information) the number of advertisements that have gone through the cycle and when to start the cycle over again and the information is sent to a headend so after the set of advertisements has been shown, the ads start over again. Ward discloses the advertisements can be at the headend and downloaded to the user's site (page 19, paragraph [0331]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to have advertisements rotating and presented in order of prioritizing and having a counter as taught by Ward so they user can view a variety of commercials and not view the same commercial twice.

Regarding claim 27, Knee discloses three user inputs (selections) and three computations calculating each user selection (page 4, paragraphs [0042-0043); the program attributes are met by the first characterization information in claim 1 rejection.

Regarding claim 28, Ward discloses theme (category information) guides for the programs (pages 7-8, paragraph [0155]).

Regarding claim 29, Ward discloses the advertisements may consist of text (keyword and phrases) (page 19, paragraph [0331]). The titles of the program inherently consist of keywords and phrases.

Regarding claim 30, Ward discloses an ad for ESPN sports center (series information) (page 15, paragraph [0283]). Ward discloses the user watching the program ESPN (series information) (page 17, paragraph [0314]).

Regarding claim 31, Ward discloses ads for 3 Burger King (group information) (page 18, paragraph [0323]). Ward discloses the scores for a Boston Red Sox (group information) game (page 18, paragraph [0319]).

Regarding claim 32, the attributes inherently have credits so the viewer will know who sent the advertisement and who produced the program.

Regarding claim 33, Ward discloses an ad for Toyota (name information) (page 15, paragraph [0284]). Ward discloses the user being presented different programs (name information) in EPG cells (figure 1).

Regarding claim 34, Ward discloses the advertisements may have audio clips (advertising objects) (page 19, paragraph [0331]), the audio clip points to an audio file (content object) that describes the ad in an audio file.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Berezowski (US Patent # 6,064,376).

Regarding claim 5, Knee fails to disclose adjusting display parameters for advertisements. Berezowski discloses the promotional information region (display parameter for advertisement) can be increased or decreased while the program guide is decreased or increased respectively (column 2, lines 30-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to have the display parameter for the

advertisement adjustable as taught by Berezowski to give the user the option of viewing more or less channels on the program guide.

5. Claims 11 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Davis (US Patent # 5,559,548).

Regarding claims 11-12, Knee fails to disclose repeating the advertisement. Knee fails to disclose prioritizing the commercials and displaying the commercials in order of priority. Davis discloses repeating promotion cycles (advertisements) more frequently if they have a higher priority and displaying the rest of the promotion in descending order of priority (column 13, lines 29-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to have the advertisements prioritized and the higher priority commercials playing more frequently as taught by Davis so a user can be presented previews for upcoming PPV events.

6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Ward.

Regarding claim 35, Ward discloses ads may be accessible through an EPG link to the Internet/World Wide Web and the ads may be audio files (ad object) (page 19, paragraph [0331]). Neither Knee nor Ward disclose HTML object. The examiner takes Official Notice that using HTML to link objects together is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee in view of Ward to have HTML linking the audio file to the ad so the user can store the audio file at the Internet headend and access it during time of use thereby saving memory at the user terminal.

7. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Ward in further view of Pollack (US Patent # 5,153,580).

Regarding claims 36-37, Knee discloses a remote control interacting with the user input receiver (pages 2-3, paragraph [0027]). Knee discloses the user interfaces with user input receiver 62 and has to tune to the program for at least 5 minutes before tuning to another program in order for the selection to have a weighted value (part of selection history table) (page 3, paragraph [0035]) in order to determine the appropriate commercial as disclosed in claim 26 rejections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to have the lower limit be 5 minutes so the system knows the user is not skipping through channels as taught by Ward in order to use the weighted value for calculating a demographic category.

Neither Knee nor Ward discloses the upper limit of 12 hours. Pollack discloses that a user has a sleep timer function be reset and restarted in response to an indication that the user is still awake such as the user inputting functions a on remote control, the user would cause the time delay period of the sleep timer to be reset when inputting commands on a remote control (column 1, lines 50-60). Pollack discloses the volume is gradually reduced before turning off the receiver (abstract). Pollack discloses the duration of the sleep timer is from 11:00 PM to 6:00 AM (figure 4), which is duration of 7 hours; the user leaving the TV ON without remote control interaction would cause the TV to be ON for 17 hours. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee in view of Ward to have a duration of 12 hours without user interaction to cause the TV to turn off as taught by

Pollack so the viewer can gradually fall asleep with the aid of the sleep timer gradually reducing volume before turning off the receiver.

8. Claims 38-40, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Ward in further view of Buch (US Patent # 6,463,468).

Regarding claim 38, Knee discloses advertisement #2 has a preselected value of 0.7 and targeted to male viewers who are between the ages of 18-40 whereas advertisement #1 is 0.5 and targeted to viewers who make over $30,000 (page 3, paragraphs [0031]-[0033]). Knee discloses the best fit for the demographic category (similarity score) is selected based on comparison to the user demographic category (similarity score) (page 4, paragraphs (0046-0047]), which meets the limitation on calculating a similarity score and selecting based on the similarity score. Knee fails to disclose replacing the lowest similarity score with the subsequently received advertisement

Ward discloses the ads being assigned a priority (similarity score) and rotated every time the user views a page; when the viewer views the page for a second time the second priority (second highest similarity score) ad is displayed (page 15, paragraph [0282]), the previous ad is no longer high priority (high similarity score) which reads on replacing the lowest similarity score with the subsequently received advertisement.

Neither Knee nor Ward disclose replacing a stored ad having the lowest similarity score with a subsequently received ad. Buch discloses an ad pool is downloaded to a user and the oldest ad (lowest similarity score) in the pool is replaced when a new ad is received ad is replaced (column 2, line 60-column 3, line 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee in view of Ward to replace old

ads in the pool to ensure a fresh supply of video ad files that will more likely hold the interest and attention of the user.

Regarding claims 39-40, Ward discloses a method of displaying a plurality of advertisements in windows 14 and 16 (figure 10A and 10B). Ward discloses the EPG can select advertisements stored at the viewer's terminal in a RAM (memory) that has been downloaded (communications link) through the VBI; the advertisements may be in the form of graphics (images) that are customizable (page 19, paragraph [0031]). Ward discloses the viewer can highlight the ad window and doing so will cause additional text describing the product or the future scheduled program to be displayed in the detail box area of the EPG grid guide (page 8, paragraphs [0163-0164] and figure 10A and 10B). Ward discloses channel ads have multiple sequential information and the additional information is indicated by an "i" icon; the user can access additional information by pressing the info button (page 13, paragraph [0246]). The user is presented the EPG display and advertising in one window (page 8, paragraph [0061]), which reads on selecting a first advertisement from the stored advertising data. The user highlighting the AD WINDOW 1 reads on image-altering signal modifying the advertisement images (figure 10A).

Regarding claim 43, the highlighted (image modification signal) channel ad has show information associated with it and the user can tune directly to the related program by pressing the left action button (page 13, paragraph [0247]); the tuning to the channel will cause the EPG area to display the program of the tuned channel and will cause the second image of the advertisement to be deleted.

9. Claims 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Ward in further view of Buch in further view of Berezowski.

Regarding claims 41-42, neither Knee nor Ward disclose adjusting display parameters for advertisements. Berezowski discloses the promotional information region (display parameter for advertisement) can be increased or decreased while the program guide is decreased or increased respectively (column 2, lines 30-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee in view of Ward to have the display parameter for the advertisement adjustable as taught by Berezowski to give the user the option of viewing more or less channels on the program guide by varying the promotional window area.

10. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Picco in view of Knee in further view of Sawyer (US Patent # 6,084,628).

Regarding claim 49, Picco discloses the set top box may store only the local content that satisfies the preselected user preferences such as advertisements about automobiles (column 6, lines 29-37). Picco discloses storing pieces of local content in the memory that match the predetermined criteria stored in the set top box (column 8, lines 7-22); before storing the local content, a determination is made to determine if there is enough memory. Picco fails to disclose calculating a similarity score based on the recited limitations.

Knee discloses limitations in claim for similarity score have been met in claim 1 rejection. Knee discloses the threshold for the similarity score (page 4, paragraph [0046]). The attributes recited in claim 49 are synonymous with characterizing information in claim 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Picco to have the match be calculated using a similarity score as taught by Knee in order to have a more precise way of selecting an advertisement.

Neither Picco nor Knee discloses the additional limitation of storing a predetermined number of ads with the highest score past a predetermined lifetime. Sawyer discloses the subscriber preference profile may include how many times the ad was shown and if it was selected for further information and if an ad is shown a predetermined number of times, and not selected for further information, then it is deleted from the preference profile (column 4, lines 51-65); the ad showing a predetermined number of times is the predetermined lifetime and how many times the ad was shown reads on the similarity score. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Picco in view of Knee to have a predetermined lifetime for ads stored and store ads with a higher similarity score beyond a lifetime and discard ads with a low score as taught by Sawyer in order to store only relevant information to the user.

11. Claims 45, 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Picco in view of Knee.

Regarding claim 45, the limitations in claim 45 have been met by the combination of Picco and Knee in claim 49 rejection. Neither Picco nor Knee discloses the system storing ads with the highest similarity score when the ads exceed the maximum number of ads stored. The examiner takes Official Notice that storing relevant information when there is no more memory is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Picco in view of Knee to have the system store

only relevant ads when memory exceeds a maximum number of ads in order to utilize memory space by storing relevant ads.

Regarding claim 46, Knee discloses a remote control that interfaces with input receiver 62 (pages 2-3, paragraph [0027]). Knee discloses the user inputs are received by receiver 62 and can tune (select) to television programs (page 3, paragraph [0034]).

12. Claims 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Picco in view of Knee in further view of Ward.

Regarding claim 50, Knee fails to disclose the limitations in claim 50. Ward discloses the user pressing the watch button which places the show in the Record/Watch Schedule for future auto viewing, the future autoviewing may be set to once, daily, or weekly (page 13, paragraph [0247]); pressing the watch button reads on receiving a first request for info in response to a displayed ad; the request for watching the future scheduled program is stored in memory until just prior to the program being broadcast, the first request for watching the program is then retrieved from memory and transmitted to a processor (central processing station) to instruct the viewing to occur. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Picco in view of Knee to have the first request for info for ads and storing the first request in memory and conveying the first request to a central processing station as taught by Ward in order to watch future scheduled programming.

Regarding claim 51, Ward discloses the EPG can distinguish between individual viewers and develops individual profiles by using individual PINs (uniquely identified serial number) or individual remotes (page 16, paragraph [0299]), which communicates first request to processor (central processing station) as disclosed in claim 50 rejections; the individual remotes

communicate the receivers serial number along with the first request to the central processing station in order to distinguish the individual from other individuals.

Regarding claim 52, as disclosed in claim 50 rejections, after the request for viewing is transmitted to the central processing station, the signal is received from the central processing station that communicates the status of the first request to verify the viewing to be shown to the proper viewer. Once the user starts viewing of the program, the user knows that the watch command has been executed, which reads on displaying a message indicating that the first request has been transmitted. As disclosed in claim 24 rejections, the autoviewing set to once will delete the first request from memory after the watch command has been executed once.

13. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Picco.

Regarding claim 17, Knee fails to disclose determining if there is enough memory for ads.

Picco discloses the set top box may store only the local content that satisfies the preselected user preferences such as advertisements about automobiles (column 6, lines 29-37). Picco discloses storing pieces of local content in the memory that match the predetermined criteria stored in the set top box (column 8, lines 7-22); before storing the local content, a determination is made to determine if there is enough memory. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to determine if there is enough memory to store the ads as taught by Picco in order to utilize memory space.

14. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knee in view of Picco in further view of Sawyer.

Regarding claim 18, as disclosed in claim 1 rejection, Knee discloses the ads are inherently temporarily stored. Knee fails to disclose the ads being stored for a display lifetime.

Picco discloses the set top box may store only the local content that satisfies the preselected user preferences such as advertisements about automobiles (column 6, lines 29-37). Picco discloses storing pieces of local content in the memory that match the predetermined criteria stored in the set top box (column 8, lines 7-22), which meets the limitation on lifetime. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to have the ads stored longer than temporarily as taught by Picco in order to have the ads available for future use.

Neither Knee nor Picco discloses the additional limitation of storing a predetermined number of ads with the highest score past a predetermined lifetime. Sawyer discloses the subscriber preference profile may include how many times the ad was shown and if it was selected for further information and if an ad is shown a predetermined number of times, and not selected for further information, then it is deleted from the preference profile (column 4, lines 51-65); the ad showing a predetermined number of times is the predetermined lifetime and how many times the ad was shown reads on the similarity score. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee in view of Picco to store ads with a higher similarity score beyond a lifetime and discard ads with a low score as taught by Sawyer in order to store only relevant information to the user.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Macrae discloses an EPG with ads displayed in US 2002/0059602 A1. Carr discloses a program guide with local ads in US Patent # 6,209,129. Lumley discloses a progtram guide with a promotional video in US Patent # 6,588,013. Alexander discloses an EP with an ad window in US Patent # 6,177,931. Goldman discloses ads in an EPG document in US 2003/0135853 A1. Shah-Nazaroff discloses an EPG with commercials in US 2002/0010930 A1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

JJC
July 28, 2003

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600